

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

IN RE THE COMPLAINT AND PETITION OF	)	3:21-cv-0059
COSTAR SAILING, LLC, AS OWNER, AND J&J	)	Third-Party Plaintiffs
YACHT SERVICES, LLC, AS OWNER PRO HAC	)	Demand
VICE/OPERATOR, OF THE S/V CARPE AURA,	)	Trial by Jury
HULL #: FPA54253I819 AND OFFICIAL NO.	)	
1291579	)	
	)	
	)	
EDWARD AND CINDY MOREA	)	
	)	
Claimants and Third-Party Plaintiffs	)	
	)	
-against-	)	
	)	
ATLANTIC CRUISING YACHTS, LLC	)	
FOUNTAIN PAJOT, SA and	)	
CONSTANTINE BAKAS	)	
	)	
Third-Party Defendants	)	

**NOTICE OF DEPOSITION OF THIRD-PARTY DEFENDANT**  
**FOUNTAIN PAJOT, SA REPRESENTATIVE**

TO: Email: justin.shireman@wilsonelser.com  
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PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 30(b)(6) and 34

Claimants/Third-Party Plaintiffs, Edward and Cindy Morea, by and through undersigned

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counsel, will take the oral examination of Fountaine Pajot, SA's representative, on October 11, 2023 at 10:00 a.m., at the offices of Wilson Elser, Moskowitz Edleman & Dicker LLP, 150 East 42<sup>nd</sup> Street, New York, NY 10017, and via Zoom conference pursuant to a Zoom *address and IP* link which will be provided:

This deposition will be taken by stenographic means and pursuant to the rules cited above. The deposition may be recorded by video and/or audio means, including Zoom recording.

This deposition is being taken for use as evidence and/or trial purposes and may be continued from day to day until completed.

Fountain Pajot, SA ("FP") is requested to designate one or more 30(b)(6) witnesses who is(are) knowledgeable and prepared to testify on behalf of FP regarding the following topics:

1. Fountaine Pajot, SA ("FP") commercial activities in United States Virgin Islands ("USVI") includes sales of vessels, parts, services, warrantee work promotional activities.
2. FP commercial relationship with vendors in British Virgin Islands ("BVI") sell, vessels, or provide services, warrantee work warrantee work and promotional activities.
3. FP sale of vessels in USA.
4. FP commercial relationship with J&J Yacht Services, LLC d/b/a CYOA ("CYOA").
5. FP commercial relationship with Atlantic Cruising Yachts, LLC ("ACY").
6. FP commercial relationship with vendors, or other businesses other than CYOA in USVI.
7. FP communications and knowledge regarding post sales conversions of LPG systems on their vessels from butane to propane.
8. FP design, manufacturing and testing of LPG systems on their vessels.
9. FP knowledge, implementation and application of CE certifications of their vessels.
10. FP knowledge of and compliance with ABYC standards.

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11. All warnings, and instructions provided by FP on their vessels regarding, use, maintenance, and repair of LPG systems on their vessels.
12. Drafting of FP Owners' Manuals, warnings and instructions regarding dangers of LPG and the safe and proper use of LPG system, maintenance, repair and requirements of testing of LPG system.
13. What documentation and safety warnings FP provided with hull FR FPA 54243 18 19 herein after ("CARPE AURA") and for all other Helia 44 vessels.
14. Documents, records, including photographs and videos evidencing what Owners Manuals and warning are provided with a particular vessel, including CARPE AURA.
15. Documents, records including photographs and video of CARPE AURA's propane system, including those evidencing whether a LPG leak detector was fitted on the vessel, while in the factory of FP, prior to the time of delivery to ACY or subsequent to delivery to ACY.
16. Any documents produced by FP in discovery.
17. Any Answers to Interrogatories by FP.
18. FP practice of monitoring what competitor companies are doing with regard to the production of and the safe operation of their products.
19. Relationship between FP and Dufour Yachts.
20. Documentation, and knowledge about any propane leaks on FP or Dufour Yachts prior to April 16, 2021.
21. Industry monitoring of the risks and hazards associated with the used of LPG systems.
22. The factual basis of any affirmative defense FP will assert at trial.

**RESPECTFULLY SUBMITTED**  
**Tabak Mellusi & Shisha LLP**

**DATED: September 18, 2023**

***Admitted Pro Hac Vice:***

BY: */s/ Jacob Shisha*

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**DATED: September 1, 2023**

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel:

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